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VIA ECF ONLY

February 9, 2022

United States District Judge Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 518  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 02/10/2022

**Re. Mercer v. Mesfin Liquors Inc. et al Case No. 1:21-cv-08251**

The Clerk of Court is respectfully directed to reinstate Defendant East River Portfolio Partners II, LLC.

Dear Judge Broderick:

Respectfully, we did not intend to disregard the Court's deadline to timely move for a default judgment as to Defendant East River Portfolio Partners II, LLC ("East River") (D.E. 29) and in retrospect we should have advised the Court prior to today that we have been in communication with Brett W. Joseph, Esq., counsel for defendants, in this action. During our prior conversations with Mr. Joseph, we were informed that his office would also be appearing and filing an answer on behalf of East River in the action. We were informed that this would occur before yesterday's deadline. Unfortunately, this did not happen so we spoke earlier today via email and it was again confirmed that a notice of appearance and answer would be filed before the close of business today. In light of our conversations with Mr. Joseph, we thought it would be improper to file a default judgment motion as to East River and unfortunately did not seek leave, as we should have, for an extension of time to file the default application. As result of the foregoing, we are kindly requesting that East River be reinstated into this action, as a defendant, and in the event that it does not appear and file an answer prior, that Plaintiff must file her application for a default judgment by February 11, 2022. This will not cause any undue prejudice in that the Initial Conference has not yet been held, we have a settlement call scheduled for tomorrow and we are seeking to avoid the need to move for leave to amend the complaint, which may unnecessarily delay this action.

Thank you for your time and attention to our request.

Respectfully submitted,

Bashian & Papantoniou, P.C.  
/s/ Erik M. Bashian  
Erik M. Bashian

cc: All counsel of record (via ECF only)